

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

:

**IN THE MATTER OF THE** : **CRIM. NO. 5:08-MJ-00109**  
**EXTRADITION OF** :  
**MARY BETH HARSHBARGER** : **(MANNION, M.J.)**  
  
:

**CERTIFICATION OF EXTRADITABILITY  
AND  
ORDER OF COMMITMENT**

This Court received a Complaint on December 5, 2008, filed by Christian A. Fisanick, Assistant U.S. Attorney for the Middle District of Pennsylvania, for and on behalf of the Government of Canada, in support of the extradition of Mary Beth Harshbarger. Along with the Complaint, the Government filed, on behalf of Canada, the diplomatic documents requesting formal extradition. On January 6, 2009, this Court issued a Memorandum and Order directing that Mary Beth Harshbarger appear before the Court on January 16, 2009, pursuant to a summons. She did so appear, with counsel, and she was advised of the proceedings filed against her. At that time, she was released on pretrial supervision conditions, pending an extradition hearing to be held on February 13, 2009.

On February 13, 2009, after briefing, the extradition hearing was held, at which time Harshbarger again appeared with her counsel and counsel for the Government. The Court received into evidence the Government's affidavits in support of extradition and heard argument from the parties. After

consideration of the evidence, briefs, oral argument, and the law, this Court found, in a Memorandum and Order dated March 4, 2009, that extradition would be ordered. To that end, this Court makes the following findings:

1. This Court has subject matter jurisdiction to adjudicate extradition proceedings, and that as a United States Magistrate Judge, I am a judicial officer authorized under 18 U.S.C. § 3184 and the local rules of the Middle District of Pennsylvania to conduct extradition proceedings;
2. This Court has personal jurisdiction over the defendant Mary Beth Harshbarger;
3. Mary Beth Harshbarger is the person named and identified in the Government's extradition request;
4. There is currently an in-force and in-effect extradition treaty on extradition, along with various protocols amending the treaty, between the United States and Canada (collectively, the treaty and protocols, the "Treaty");
5. Mary Beth Harshbarger has been charged with violations of Section 219(1), Section 220, and Section 86(1) of the Criminal Code of Canada;
6. This Court has found that these offenses are extraditable offenses under the Treaty;
7. Canada, the requesting state, seeks the extradition of Mary Beth

Harshbarger for trial on these offenses;

8. This Court has found that there is probable cause to believe that Mary Beth Harshbarger committed violations of Section 219(1) and Section 220 of the Criminal Code of Canada, offenses for which extradition is sought; and,
9. This Court has found that there is not probable cause to believe that Mary Beth Harshbarger committed a violation of Section 86(1) of the Criminal Code of Canada, an offense for which extradition is sought.

Based on these findings, this Court concludes that Mary Beth Harshbarger is extraditable exclusively in relation to the alleged violations of Section 219(1) and Section 220 of the Criminal Code of Canada, offenses for which extradition is sought, and hereby certifies this finding to the United States Secretary of State as required by 18 U.S.C. § 3184.

IT IS HEREBY ORDERED, that the Clerk of the Court for the Middle District of Pennsylvania deliver to Assistant U.S. Attorney Christian A. Fisanick, a certified copy of this Certification of Extraditability, and further that the Clerk of the Court forward copies of the same to the Secretary of State (to the attention of the Legal Adviser) and to the Director, Office of International Affairs, Criminal Division, U.S. Department of Justice, in Washington, D.C., for the appropriate disposition.

FURTHER, IT IS ORDERED, that Mary Beth Harshbarger be committed

to the custody of the United States Marshal with her ordered surrender on Friday, March 13, 2009, pending disposition of this matter by the Secretary of State and the arrival of agents from Canada, at which time, Mary Beth Harshbarger will be transferred to the custody of the agents from Canada at such time and place as mutually agreed upon by the United States Marshal and the duly authorized representatives of the Government of Canada to be transported to Canada, unless such custody, commitment, or transfer is vacated or stayed by court order.

s/ Malachy E. Mannion  
**MALACHY E. MANNION**  
**United States Magistrate Judge**

**DATE: March 4, 2009**

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